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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: Case No. 1D 2002 62966

RYAN STEWART CHAN
1008 W. Alene #C
Ridgecrest, CA 93555

**DEFAULT DECISION
AND ORDER**

Physical Therapist License No. PT 19081

[Gov. Code, ' 11520]

Respondent.

FINDINGS OF FACT

1. On or about September 6, 2002, Complainant Steven K. Hartzell, in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs, filed Accusation No. 1D 2002 62966 against Ryan Stewart Chan (Respondent) before the Physical Therapy Board of California.

2. On or about May 27, 1993, the Physical Therapy Board of California (Board) issued Physical Therapist License No. PT 19081 to Respondent.

3. On or about September 6, 2002, Elsa Ybarra, an employee of the Complainant's agency, served by Certified Mail a copy of Accusation No. 1D 2002 62966, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is 1008 W. Alene #C, Ridgecrest, California 93555. A copy of the Accusation, the
3 related documents, and Declaration of Service are attached as exhibit A, and are incorporated
4 herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about September 20, 2002, the aforementioned documents were
8 returned by the U.S. Postal Service marked "Attempted - Not Known." A copy of the postal
9 returned documents are attached hereto as exhibit B, and are incorporated herein by reference.

10 6. On or about September 25, 2002, Elsa Ybarra, an employee of the
11 Complainant=s agency, served by Certified Mail a copy of Accusation No. 1D 2002 62966,
12 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
13 sections 11507.5, 11507.6, and 11507.7 to another address at which Respondent was believed to
14 receive mail, which was and is 3434 W. Desert Bend Loop, Tucson, Arizona 85742. A copy of
15 the Accusation, the related documents, and Declaration of Service mailed on September 25,
16 2002, are attached as exhibit C, and are incorporated herein by reference.

17 7. Service of the Accusation was effective as a matter of law under the
18 provisions of Government Code section 11505, subdivision (c).



19 8. On or about October 22, 2002, the aforementioned documents were
20 returned by the U.S. Postal Service marked "Return to Sender &Box Closed &Unable to Forward
21 &Return to Sender." A copy of the postal returned documents are attached hereto as exhibit D,
22 and are incorporated herein by reference.

23 9. Government Code section 11506 states, in pertinent part:

24 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
25 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
26 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of


1 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

2 10. Respondent failed to file a Notice of Defense within 15 days or at any
3 time after service upon him of the Accusation, and therefore waived his right to a hearing on the
4 merits of Accusation No. 1D 2002 62966.

5 11. California Government Code section 11520 states, in pertinent part:

6 "(a) If the respondent either fails to file a notice of defense or to appear at the
7 hearing, the agency may take action based upon the respondent's express admissions or
8 upon other evidence and affidavits may be used as evidence without any notice to
9 respondent."



10 12. Pursuant to its authority under Government Code section 11520, the Board
11 finds Respondent is in default. The Board will take action without further hearing and, based on
12 Respondent's express admissions by way of default and the evidence before it, contained in
13 exhibits A, B, C, D, and E finds that the allegations in Accusation No. 1D 2002 62966 are true. 

14 DETERMINATION OF ISSUES

15 1. Based on the foregoing findings of fact, Respondent Ryan Stewart Chan
16 has subjected Physical Therapist License No. PT 19081 to discipline.

17 2. A copy of the Accusation and the related documents and Declaration of
18 Service are attached.

19 3. The agency has jurisdiction to adjudicate this case by default.

20 4. The Physical Therapy Board of California is authorized to revoke
21 Respondent's Physical Therapist License based upon the following violations alleged in the
22 Accusation:

23 a. Out of state discipline in violation of Business and Professions
24 Code section 141, subdivision (a).

25 b. Committing an act involving dishonesty and corruption in
26 violation of Business and Professions Code section 2660,

subdivision (l).

c. Suffering from a mental impairment and a gambling addiction in violation of Business and Professions Code section 822.

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ORDER

IT IS ORDERED that Physical Therapist License No. PT 19081, heretofore issued to Respondent Ryan Stewart Chan, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.


This Decision shall become effective on 03/07/03.

It is so ORDERED 02/05/03

Original Signed by Ellen Wilson

FOR THE PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS

Attachments:

Exhibit A: Accusation No.1D 2002 62966, Related Documents, and Declaration of Service for service attempted on September 6, 2002
Exhibit B: Postal Return Documents for service attempted on September 6, 2002
 Exhibit C: Accusation No.1D 2002 62966, Related Documents, and Declaration of Service for service attempted on September 25, 2002
Exhibit D: Postal Return Documents for service attempted on September 25, 2002
Exhibit E: Certification of Costs; Declaration of Rajpal S. Dhillon

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Exhibit A

Accusation No. 1D 2002 62966,
Related Documents and Declaration of Service for
service attempted on September 6, 2002

Exhibit B

Postal Return Documents for service attempted on September 6, 2002

Exhibit C

Accusation No. 1D 2002 62966,
Related Documents and Declaration of Service for
service attempted on September 25, 2002

Exhibit D

Postal Return Documents for service attempted on September 25, 2002

Exhibit E

Certification of Costs; Declaration of Rajpal S. Dhillon